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Attorneys for Defendants

Independence Energy Group LLC and Independence Energy Alliance LLC

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

TODD C. BANK, Individually and on
Behalf of All Others and Similarly Situated,

Plaintiff,

v.

INDEPENDENCE ENERGY GROUP LLC
and INDEPENDENCE ENERGY
ALLIANCE LLC,

Defendants.

Civil Action No: 1:12-cz-1369 (WFK)

Honorable William F. Kuntz, II, U.S.D.J.

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NOTICE OF MOTION

To: Todd C. Bank
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PLEASE TAKE NOTICE that the Defendants Independence Energy Group LLC and Independence Energy Alliance, LLC (“Defendants”) shall move before the Honorable William F. Kuntz, II, U.S.D.J., United States District Court for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York, for an Order dismissing the Plaintiff’s Complaint

with prejudice for failure to state a claim on which relief may be granted pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

PLEASE TAKE FURTHER NOTICE that in support of this Motion to Dismiss, Defendants rely upon the accompanying Memorandum of Law, Declaration of Aurora F. Parrilla, and supporting exhibits.

Respectfully submitted,

/s/Aurora F. Parrilla
Aurora F. Parrilla

Dated: April 11, 2014